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AN

ACT

FOR

Making a new Road from *Saint George's Gate*, in the City of *Canterbury*, to a Place called *Gutteridge Bottom*; and for Repairing and Widening the preſent Road from thence to the *Dover* Turnpike Road, in the Pariſh of *Barham*, in the County of *Kent*.

WHEREAS the Road leading from the City of *Canterbury* to the *Dover* Turnpike Road, in the Pariſh of *Barham*, in the County of *Kent* (being Part of the Poſt Road from *London* to *Dover*) is in a ruinous Condition, and in ſeveral Parts narrow and inconvenient for Paſſengers and Carriages; and the Statute Work is not ſufficient for repairing and amending the ſame; Preamble.

And whereas it would be of great Benefit and Convenience to the Inhabitants of the City of *Canterbury*, and the Neighbourhood thereof, and to all other Perſons having Occaſion to make Uſe of the ſaid Road, if a new commodious Carriage Road was ſet out and made from *Saint George's Gate*, in the ſaid City, to join the preſent Road at or near a Place called *Gutteridge Bottom*, in the Pariſh of *Patrixborne*, in the ſaid County, in a more direct Courſe than the preſent Road from *Saint George's Gate* to *Gutteridge Bottom* aforeſaid; and if the Road from thence to the *Dover* Turnpike Road, in the ſaid Pariſh of *Barham*, was properly

amended, widened, and rendered commodious: But the Purpoſes aforeſaid cannot be effected without the Authority of Parliament;

May it therefore pleaſe Your MAJESTY,

That it may be Enacted; And be it Enacted by the KING's Moſt Excellent MAJESTY, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That

Truſtees.

Sir *Brook Bridges*, Sir *Narborough D'Aeth*, Sir *William Fagg*, Sir *John Honywood*, Sir *Edward Knatchbull*, Sir *Horace Mann*, Sir *Henry Oxenden*, Baronets, Sir *John Brewer Davis*, Knight, *John Abbott*, of *Saint Dunſtan's*, *John Auſten*, *John Baker*, of *Saint Dunſtan's*, *Thomas Barrett*, *Richard Harris Barham*, *William Baldock*, *John Baker*, of *Canterbury*, *William Bates*, *Samuel Balderſton*, *Peter Berry*, *John Charles Beckingham*, Clerk, *Edward Tymewell Brydges*, Clerk, *Samuel Egerton Brydges*, *John William Head Brydges*, *William Bridges*, *Henry Bridges*, *James Drake Brockman*, *William Briſtow*, *Cyprian Rondeau Bunce*, *William Dejovas Byrche*, Clerk, *John Calcraft*, *John Cantis*, *William Cantis*, *William Carter*, M. D. *William Carter*, Junior, M. D. *Edward Lord Chick*, *William Chandler*, *John Henry Clapham*, Clerk, *Thomas White Collard*, *Henry Croſoer*, *William Croſoer*, *Edward Crayford*, *William Deedes*, *William Deedes*, Junior, *John Deedes*, *Charles Dering*, *John Denne*, *John Dilnott*, of *Patrixbourne*, *George Downe*, *Bladen Downing*, Clerk, *John Drew*, *Richard Elwyn*, *James Elwyn*, *John Fagg*, Clerk, *Henry Godfrey Fauſſett*, *Peter Fector*, of *Eythorne*, *John Minet Fector*, of *Updown*, *Thomas Fenner*, *James Finch*, of *Canterbury*, *James Finch*, of *Biſhopſborne*, *John Fowell*, D. D. *John Foote*, *Daniel Fox*, of *Barham*, *William Foord*, *William Fox*, *Hopkins Francis*, *Thomas Francis*, *Richard Frend*, *Richard Garner*, of *Bridge*, *George Gipps*, *John Graham*, *William Gregory*, Clerk, *John Gregory*, Clerk, *James Hallet*, *Richard Halford*, *Richard Harvey*, of *Barfreſton*, *William Hammond*, of *The White Friars*, *Anthony Egerton Hammond*, Clerk, *John Springett Harvey*, *William Hammond*, of *Stonehouſe*, *Thomas Hammond*, *Thomas Hammond* Junior, *Thomas Hey*, Clerk, *Filmer Honywood*, *William Honywood*, *William Hougham*, *William Hougham* Junior, *Thomas Hodges*, of *Elham*, *John Hodges*, *William Hugeſſen*, *John Jackſon*, *John Jacob*, *Gilbert Knowler*, *John Lade*, *John Hobday Lade*, *William Lade*, Clerk, *John Le Grand*, *George Le Grand*, *Robert Le Geyt*, *William Loſtie*, *William Long*, *Johnſon Macaree*, *John Hollingbery Mann*, *Robert Matſon*, *Richard Milles*, *John Monins*, *Richard Mount*, *Henry Mount*, *John Nairn*, Clerk, *Henry*

Henry Nicholl Junior, *John Nutt*, *Henry Oxenden*, *Thomas Watkinſon Payler*, *David Papillon*, *Thomas Papillon*, *Philip Papillon*, Clerk, *John Palmer*, Clerk, *Chriſtopher Packe*, M. D. *Deane John Parker*, *Thomas Parker*, *William Patteſon*, *John Parnell*, *Thomas Paine*, *Vincent Page*, *John Peirce*, *John Peckham*, *Robert Peckham*, *John Plumptre*, *Plumptre* Junior, *Ralph Price*, Clerk, *Giles Powell*, Clerk, *Robert Potter*, *Thomas Pope*, *John Pope*, *Robert Thomas Pyott*, *Thomas Randolph*, Clerk, *William Rigden*, *Joſeph Royle*, *Charles Robinſon*, *Robert Ruſhbrooke*, *Edwin Humphry Sandys*. *Thomas Sayer*, *James Minet Sayer*, Clerk, *Thomas Sankey*, *William Webſter Sankey*, *John Sankey*, *Jacob Sharp*, *Markham Ellis Sherville*, *James Simmons*, *James Six*, *Henry Simmons*, of *Bridge*, *Hardinge Stracey*, *George Stringer*, *John Hollingbery Stringer*, *Richard Staines*, *Robert Stains*, *Thomas Starr*, *Thomas Powell Symonds*, *Edward Taylor*, Clerk, *Iſaac Muſhey Teale*, *Henry Thomſon*, Clerk, *John Thomſon*, *Mark Thomas*, *Edward Toker*, *John Venner*, and *John Walker*, and their Succeſſors, to be appointed as hereinafter mentioned, ſhall be, and are hereby appointed Truſtees for making a new Road from *Saint George's Gate*, in the ſaid City of *Canterbury*, to *Gutteridge Bottom* aforeſaid, and keeping the ſame in Repair, and for amending, widening, and keeping in Repair the Road from thence to the *Dover* Turnpike Road, in the ſaid Pariſh of *Barham*, and for putting this Act into Execution; and that as often as any of the Truſtees hereby appointed, or to be elected in Manner hereinafter mentioned, ſhall die, or refuſe to act, it ſhall be lawful for any Five or more of the remaining Truſtees, by an Order to be made at ſome public Meeting of the ſaid Truſtees, to be holden for that Purpoſe, from Time to Time to elect and appoint a fit Perſon, living in the ſaid County of *Kent*, or City of *Canterbury*, to be a Truſtee in the room of every Perſon ſo deceaſed or refuſing to act; and that Notice of the Time and Place of the Meeting for every ſuch Election ſhall be given in One or more of the Newspapers publiſhed in the ſaid City of *Canterbury*, or if no Newspaper is publiſhed in the ſaid City, then in ſome News-paper circulated therein, at leaſt Ten Days before ſuch Meeting; and every Perſon ſo to be choſen and appointed a new Truſtee as aforeſaid ſhall be joined with ſuch remaining Truſtees, and ſhall have as full Power and Authority to put this Act into Execution, as if he had been particularly named in and appointed a Truſtee by this Act.

Election of new Truſtees.

Provided always, and be it further Enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act,

Qualification of Truſtees.

Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Forty Pounds or be poſſeſſed of or entitled to a Perſonal Eſtate of the Value of Eight hundred Pounds or ſhall be Heir Apparent of ſome Perſon poſſeſſed of an Eſtate in Land of the clear Yearly Value of One hundred Pounds, and if any Perſon, not being ſo qualified, ſhall nevertheleſs preſume to act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and ſuch Perſon, ſo ſued or proſecuted, ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof, on the Part of the Plaintiff or Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, That all Acts and Proceedings which ſhall have been done and performed by any ſuch Perſon, touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

All Acts of Truſtees not qualified, if done before Conviction, valid.

Provided alſo, That no Victualler or Retailer of Beer, Ale, or Spirituous Liquors, ſhall be capable of acting as a Truſtee in the Execution of this Act, or of holding or enjoying any Office under the ſaid Truſtees; and that no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Office under the ſaid Truſtees, or have any Share or Intereſt in any Contract to be performed, relating to the Execution of any of the Powers of this Act; but it ſhall be lawful for the Juſtices of the Peace for the ſaid County of *Kent*, and for the ſaid City and County of *Canterbury*, to act as ſuch in the Execution of this Act, in their reſpective Juriſdictions, notwithſtanding their being Truſtees.

Victuallers, &c. incapable of acting as Truſtees.

Truſtees not to act whilſt intereſted;

but may act as Juſtices.

And be it further Enacted, That the ſaid Truſtees ſhall meet at *The King's Head*, in the City of *Canterbury*, on the Second *Monday* next after the Day of the paſſing of this Act, and proceed to the Execution of this Act, and ſhall then adjourn themſelves to *The Horſe and Groom*, on *Bridge Hill*, and afterwards

Meetings of the Truſtees.

afterwards meet alternately at ſome public Inn or Tavern at *Canterbury* and *Bridge*, or alternately at *Canterbury* and any other Place near the ſaid Road, as the ſaid Truſtees ſhall think proper or convenient, as often as it ſhall be neceſſary for putting this Act in Execution; and that no Buſineſs ſhall be done or proceeded upon by the ſaid Truſtees, at any of their Meetings, before the Hour of Eleven in the Forenoon; and if there ſhall not appear, at any Meeting which ſhall be appointed, a ſufficient Number of Truſtees to act at ſuch Meeting, and to adjourn to any other Day, or if the Truſtees preſent at any Meeting ſhall refuſe or neglect to adjourn, or ſhall adjourn for any longer Time than One Month, then and in every ſuch Caſe, the Clerk to the ſaid Truſtees, at the Requeſt of any Two or more of the ſaid Truſtees (although not aſſembled at a Meeting to be held in purſuance of this Act) by Notice in the News-papers or News-paper as aforeſaid, at leaſt Seven Days before ſuch Meeting, ſhall appoint the ſaid Truſtees to meet at the Houſe where the laſt Meeting was appointed to be held, on ſuch Day as the ſaid Two or more of the ſaid Truſtees ſhall appoint; and that the ſaid Truſtees at all their Meetings, ſhall defray their own Expences; but no Act of the ſaid Truſtees (except ſo far as relates to the appointing Meetings by the Clerk as aforeſaid) ſhall be valid, unleſs made or done at ſome public Meeting to be held by virtue of this Act; and that all the Powers by this Act granted to or veſted in the ſaid Truſtees ſhall from Time to Time be exerciſed by the major Part of them preſent at their reſpective Meetings (the whole Number of Truſtees preſent at every ſuch Meeting not being leſs than Five) and that a Chairman ſhall be appointed at every ſuch Meeting; and that in all Caſes the ſaid Truſtees ſhall vote by Ballot, where the ſame is deſired by any Two or more of them then preſent; and in caſe of an equal Number of Votes upon any Queſtion (including the Chairman's Vote) the Chairman ſhall have the caſting Vote.

Truſtees to defray their own Expences.

No Act valid, unleſs done at a Meeting.

Powers of the Act to be exerciſed by a Majority.

A Chairman to be appointed.

The Chairman to have the caſting Vote.

Provided always, That no Order made by the ſaid Truſtees at any of their Meetings ſhall be revoked or altered, unleſs at a Meeting to be holden for that Purpoſe, of which, and the Buſineſs to be there done, Ten Days Notice at the leaſt ſhall be given in the News-papers or News-paper as aforeſaid.

No Order to be revoked, but at a Meeting to be held for that Purpoſe.

And be it further Enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the

Proceedings to be entered.

Names of all ſuch Truſtees as ſhall be preſent at their reſpective Meetings; and all Entries in ſuch Book or Books, being ſigned by the Chairman and Clerk, or either of them, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Caſes, Suits, and Actions touching any Thing done in purſuance of this Act; and that ſuch Book or Books ſhall, at any of the Meetings of the ſaid Truſtees, be open and liable to the Inſpection of all and every of the ſaid Truſtees, and the Creditors on the Tolls hereby granted and made payable; and that any of the ſaid Truſtees and Creditors ſhall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words Six Pence, and ſo proportionably for every greater Number of Words.

Truſtees to appoint Officers;

and remove them;

and may allow them Salaries.

Truſtees to take Security from the Treaſurer, &c.

Officers to account.

Treaſurer to account in *March* Yearly.

And be it further Enacted, That the ſaid Truſtees ſhall and may, from Time to Time, whenever they ſhall think neceſſary for putting this Act in Execution, appoint and employ a Treaſurer and Clerk, and a Collector or Collectors of the Tolls hereinafter mentioned, and a Surveyor or Surveyors of the ſaid Roads, and alſo ſuch other Officers and Perſons for the Execution of this Act, as the ſaid Truſtees ſhall think proper, and from Time to Time remove ſuch Officers and Perſons reſpectively, as they ſhall ſee Occaſion, and out of the Monies to be received by virtue of this Act to make and pay ſuch Salaries, Wages, and Allowances to the ſaid Officers and other Perſons as the ſaid Truſtees ſhall think reaſonable; and the ſaid Truſtees ſhall, and are hereby required to take ſuch Security from every ſuch Treaſurer and other Officer, for the due Execution of his Office, as they ſhall think proper; and all ſuch Officers, ſo to be appointed, ſhall, under their Hands, at ſuch Time or Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſe, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and the ſaid Treaſurer ſhall, on the Second *Monday* in *March* Yearly, or at the Firſt Meeting of the Truſtees then next following (although not thereunto required by the ſaid Truſtees) lay his Accounts before the ſaid Truſtees, in

order

order that the ſame may be audited, paſſed, and allowed by them, if approved of; and all the ſaid Officers, ſo accounting as aforeſaid, ſhall, upon Oath, if thereunto required by the ſaid Truſtees (which Oath the ſaid Truſtees are hereby impowered to adminiſter) verify their ſaid Accounts; and if any ſuch Officer ſhall refuſe or neglect to make and render, or to verify upon Oath, any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Fourteen Days next after being thereunto required by the ſaid Truſtees, by Notice in Writing given to or left at the laſt or uſual Place of Abode of ſuch Officer, all Books, Papers, and Writings in his Cuſtody or Power relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame, and if Complaint ſhall be made by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Juſtice of the Peace for the City, County, or Place wherein ſuch Officer ſo refuſing or neglecting ſhall be or reſide, ſuch Juſtice may, and is hereby authorized and required, to iſſue a Warrant, under his Hand and Seal, for the Officer ſo refuſing or neglecting to appear before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if, upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby impowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall remain due from ſuch Officer, ſuch Juſtice may, and is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer; and if no Goods or Chattels of ſuch Officer can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if it ſhall, in Manner aforeſaid, appear to ſuch Juſtice that ſuch Officer ſhall have refuſed or neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of ſuch Officer, and he ſhall have refuſed or neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then, and in any of the Caſes aforeſaid, ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction

rection for the City, County, or Place where ſuch Offender ſhall be or reſide, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby impowered to make and receive) and until he ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees as aforeſaid; but no ſuch Officer, who ſhall be committed on Account of his not having ſufficient Goods and Chattels as aforeſaid, ſhall be detained in Priſon for any longer Time than Six Calendar Months.

Truſtees impowered to make the new Road;

And be it further Enacted, That the ſaid Truſtees ſhall, and are hereby authorized and impowered to open and make a new Road, not leſs than Thirty-five Feet and not more than Forty Feet in Breadth, from *Saint George's Gate*, in the ſaid City, through the Scite of a certain Meſſuage or Tenement, and through the Garden belonging thereto, in the Pariſh of *Saint George the Martyr*, in the ſaid City, the Property of *John Hodges*, Gentleman, in the Occupation of *Ann Hardy*, Widow; and through the Scite of another Meſſuage or Tenement, in the ſame Pariſh (adjoining to the ſaid firſt-mentioned Meſſuage) and through the Garden belonging thereto, the Property and in the Occupation of *James Warren* the Younger, Watchmaker; and through a certain Piece of Land, in the ſame Pariſh, belonging to *William Elwyn* and *Thomas Elwyn*, Gentlemen, in the Occupation of *James Elwyn*, Maltſter, to and acroſs a certain Lane called *Chauntry Lane*, and through certain Garden or other Ground in the Pariſh of *Saint Paul*, in the ſaid City, and in the Borough of *Longport*, in the Pariſh of *Saint Paul*, in the County of *Kent*, or One of them, late belonging to *George White*, and now belonging to and in the Occupation of *William Baldock*, Brewer; and through certain other Lands, in the ſame Pariſh of *Saint Paul*, and Borough of *Longport*, or One of them, belonging to *William Hougham*, Eſquire, in the ſeveral Occupations of *Elizabeth Farewell Slodden* and *Henry Simmons*, or One of them, or their reſpective Undertenants; and through certain other Lands, in the ſaid Pariſhes of *Saint Paul* and *Patrixborne*, and Borough of *Longport*, or One of them, belonging to the Charity of *Ann Smith*, and to the ſaid *William Hougham*, in the ſeveral Occupations of *John Nutt* and *John Walker*, and the ſaid *William Baldock* and *Thomas White Collard*, or ſome of them, or their ſeveral Undertenants, to join the preſent Road leading from *Canterbury* towards *Dover*, at or near

near *Gutteridge Bottom* aforeſaid; and in order thereto the ſaid Truſtees are hereby authorized and impowered to contract for and purchaſe any Houſes and other Buildings, Lands, or Grounds, ſituate upon or near the Line of the ſaid new intended Road, which they ſhall think neceſſary to be purchaſed, in order to the opening and making of the ſaid new intended Road, and out of the Money ariſing by virtue of this Act to pay the Purchaſe Money agreed upon for the ſame, and to take a Conveyance thereof, to ſuch Perſon or Perſons, and his or their Heirs, as the ſaid Truſtees ſhall direct or appoint, upon Truſt, and to the Intent that the ſaid Houſes and Buildings may be forthwith pulled down, and the Ground whereon the ſame now ſtand, together with the other Lands and Grounds ſo to be purchaſed, may be converted and made into the ſaid new intended Road; and that from and immediately after ſuch Purchaſe and Conveyance made and executed, the ſaid Lands and Grounds, being ſo laid and converted into the ſaid new intended Road as aforeſaid, ſhall be deemed and taken to be Part of the Road by this Act intended to be made and repaired, and ſhall be uſed as and for a public Road or Highway.

and to purchaſe Houſes and Land for that Purpoſe.

And, in order to the widening and rendering ſafe and commodious the preſent Road leading from *Gutteridge Bottom* to the *Dover* Turnpike Road, in the Pariſh of *Barham* aforeſaid, Be it further Enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and impowered from Time to Time to treat, contract, and agree for the Purchaſe of any Houſes, Buildings, Lands, or Grounds, lying contiguous to or near the ſaid Road, and for the Loſs or Damage the Owners, Proprietors, or Occupiers thereof, or any of them, ſhall anyways ſuſtain by the widening, or turning, or altering the Courſe of ſuch Road, and out of the Money ariſing by virtue of this Act to pay the Purchaſe or Conſideration Money for the ſame, and alſo the Coſts and Charges attending ſuch Purchaſe; and ſuch Houſes and Buildings ſhall and may be pulled down, and the Ground whereon the ſame ſtand, together with the other Lands and Grounds ſo to be purchaſed, or any Part thereof, ſhall and may, by Order and Direction of the ſaid Truſtees, be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees ſhall think convenient, and ſhall, by ſuch Perſon or Perſons as they ſhall order and appoint, be ſufficiently drained, ditched, and fenced out for that Purpoſe; and after the ſaid Lands or Grounds ſhall be ſo drained, ditched, and fenced out, the ſame ſhall to all Intents and Purpoſes whatſoever become and be, and be deemed and

Truſtees impowered to purchaſe Houſes and Land to widen or turn the old Road.

taken to be, a public and common Highway, and to be Part of the Road to be amended, widened, and kept in Repair by virtue of this Act; and after any ſuch Lands ſhall be made Part of the ſaid Road as aforeſaid, the Lands or Grounds comprized in or conſtituting the former Road, in lieu whereof ſuch Land or Ground ſhall be purchaſed as aforeſaid, in caſe the Courſe of any Part of the ſaid Road ſhall be turned or altered, ſhall be veſted in the ſaid Truſtees, and ſhall and may be ſold or diſpoſed of by the ſaid Truſtees, to ſuch Perſon or Perſons as ſhall be willing to become a Purchaſer or Purchaſers thereof, for the beſt Price that can be reaſonably had or gotten for the ſame, and the Conveyance thereof, being executed by the ſaid Truſtees, or any Five or more of them, and inrolled with the Clerk of the Peace for the Eaſtern Parts of the ſaid County of *Kent*, ſhall be good and effectual to all Intents and Purpoſes.

Owner of the Land uſed in altering the Road to have the firſt Offer of the old Road.

Provided always, and be it further Enacted, That wherever the Courſe of the ſaid Road ſhall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchaſe of ſuch old Road ſhall be firſt made to the Owner of ſuch adjoining Land, which ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall ſtill be deſirous of becoming the Purchaſer, then the Value thereof ſhall be ſettled and aſcertained by a Jury, in ſuch Manner as the Price for any Land to be taken in purſuance of this Act is directed to be ſettled and aſcertained, in and by this Act: And ſuch Owner ſhall be deemed the Purchaſer thereof, at the Sum to be aſcertained by the Jury to be the Value thereof as aforeſaid: And in caſe he ſhall refuſe to pay ſuch Money, upon Demand made thereof by the Treaſurer or Clerk to the ſaid Truſtees, and Tender of ſuch Conveyance as aforeſaid, the ſame ſhall and may be recovered by the ſaid Truſtees, by Action of Debt, in any of His Majeſty's Courts of Record.

Corporations, &c. empowered to treat,

And be it further Enacted, That it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Idiots and Lunatics, and Huſbands, and all other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, Idiots, Lunatics, or other Perſons under any Diſability of acting for themſelves,

themſelves, and for all and every Perſon or Perſons who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Houſes, Buildings, Lands, or Grounds, to treat or agree with the ſaid Truſtees for the abſolute Sale thereof, or of any Part thereof, or for their Intereſt therein, and to convey the ſame to the ſaid Truſtees for the Purpoſes aforeſaid, and that all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid and effectual to all Intents and Purpoſes, any Law, Uſage, or other Matter or Thing to the contrary thereof in anywiſe notwithſtanding; and that all ſuch Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, Huſbands, and Truſtees, Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, and other Perſons, are and ſhall be indemnified for what they do by virtue or in purſuance of this Act.

In caſe of Perſons not treating for the Sale of ſuch Lands, &c. a Jury to ſettle the Recompence.

And be it further Enacted, That if any Owner, Proprietor, Occupier of, or other Perſon or Perſons intereſted in, any Meſſuages, Buildings, Lands, or Hereditaments, which the ſaid Truſtees ſhall judge neceſſary or proper to be purchaſed, taken, or uſed for the Purpoſes of this Act, or any ſuch Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees, Guardians, Huſbands, Committees, or other Truſtees as aforeſaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling Houſe or Place of Abode of ſuch Perſon or Perſons, or of the Head Officer of any ſuch Body Politic, Corporate, or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Premiſes, ſhall, by the Space of Twenty Days next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by Reaſon of Abſence, or otherwiſe, ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Truſtees ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Kent*, or City and County of *Canterbury*, in which the Premiſes in Queſtion ſhall lie (which Oaths the ſaid Truſtees are hereby impowered to adminiſter) what Damages ſhall be ſuſtained by, and what Recompence or Satisfaction ſhall be made to ſuch Owner, Proprietor, Occupier, or other Perſon or Perſons intereſted, for or upon Account of the taking or uſing of ſuch Meſſuages, Buildings, Lands, or Hereditaments, for the Purpoſes of this Act, and in order thereto the ſaid Truſtees are hereby impowered and required, from Time to Time, to ſummon and call before them all and every Perſon or Perſons who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, and

ſhall

ſhall examine ſuch Witneſs or Witneſſes before the ſaid Jury upon Oath (which Oath the ſaid Truſtees are hereby impowered and required to adminiſter) and they ſhall order and cauſe the ſaid Jury to view the Place in Queſtion, and uſe all other lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes, as the ſaid Truſtees ſhall think fit; and after the ſaid Jury ſhall have ſo aſcertained and ſettled ſuch Damages and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the Owners or Proprietors and Occupiers of the ſaid Meſſuages, Buildings, Lands, and Hereditaments, or other Perſons intereſted therein, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgment, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe; and all and every ſuch Owners, Proprietors, Occupiers, and Perſons anyways intereſted in ſuch Meſſuages, Buildings, Lands, and Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property of, in, to, or out of the ſame; and upon Payment of the Money ſo aſſeſſed to the reſpective Perſons entitled thereto, or their Agents, or (in caſe of Refuſal to accept ſuch Money) upon leaving the ſame in the Hands of the Treaſurer to the ſaid Truſtees for the Uſe of ſuch Perſons, and to be paid to them upon Demand, it ſhall be lawful for the ſaid Truſtees to cauſe the Premiſes in reſpect whereof ſuch Money ſhall be aſſeſſed to be diſpoſed of, and ſuch Acts to be done thereto, as if the Purchaſe thereof had been agreed upon and compleated, and the ſaid reſpective Premiſes were untenanted, and the Purchaſe or Conſideration Money received by the Perſon or Perſons entitled thereto: And for ſummoning and returning any ſuch Jury the ſaid Truſtees are hereby impowered to iſſue out their Warrant, ſigned by any Five or more of them, to the Sheriff of the ſaid County of *Kent*, or City and County of *Canterbury*, as the Caſe ſhall require, thereby commanding and requiring ſuch Sheriff to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff, or his Deputy, is hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons,

mons, the ſaid Truſtees ſhall ſwear, or cauſe to be ſworn, Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve.

Jury may be challenged.

Provided always, That all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter* is or ſhall be by Law entitled to; and the ſaid Truſtees are hereby impowered to impoſe any reaſonable Fine or Fines on any ſuch Sheriff, or his Deputy, who ſhall make Default in the Premiſes, and alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear, or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or, having been ſworn, ſhall refuſe to give, or ſhall not give his or their Verdict on the Matter in Queſtion, or ſhall in any other Manner wilfully neglect his or their Duty herein, and on any of the Perſons, who, being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe to be ſworn or to be examined, or give Evidence touching the ſame, but no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence.

No Houſe, &c. to be taken without Conſent of the Owner, except, &c.

Provided alſo, That nothing herein contained ſhall authorize the taking or uſing, or the injuring or damaging any Houſe or other Building, or any Land or Ground, which, upon the Firſt Day of *January* One thouſand Seven hundred and Ninety-one, ſhall be the Scite of any Houſe or other Building, or a Garden, Orchard, Yard, Park, or planted Walk (other than and except the Meſſuages or Tenements, and Gardens, hereinbefore mentioned to be the Property of the ſaid *John Hodges* and *James Warren* the Younger reſpectively, and the Gardens and other Lands or Grounds through which the ſaid new Road is intended to be made; and alſo other than and except certain Meſſuages or Cottages, and Sheds or Buildings, and a Carpenter's Yard, and certain Gardens, Orchards, and Yards, ſituate in *Bridge Street*, the Property of the Reverend *Edward Taylor*, Clerk, *Stephen Beckingham*, Eſquire, *Henry Croſoer*, *Henry Farley*, *Thomas Abree Pickering*, *Naſh*, and *Thomas Neal* reſpectively, in the reſpective Occupations of *Richard Jarvis*, *John Cooper*, *Robert Kingſland*, *Robert Oſborne*, *Samuel Elvey*, *James Aylward*, the ſaid *Henry Croſoer*, *Joſeph Dixon*,

Dixon, George Fortune, Joſeph Beſt, Mary Peake, and *Laurence*) without the Conſent of the Owner or Proprietor thereof.

By whom Expences of Jury to be paid.

And be it further Enacted, That in caſe any ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money than ſhall, by or on Behalf of the ſaid Truſtees, have been offered before the ſummoning and returning ſuch Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, or for leſs Money than ſhall have been offered to be accepted or taken by or on Behalf of the ſaid Truſtees, as the Purchaſe Money for any ſuch old Road as aforeſaid, then the Coſts and Charges of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the ſaid Truſtees, out of the Money ariſing by virtue of this Act; but if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more, or for leſs Money than ſhall, by or on Behalf of the ſaid Truſtees, have been offered before the ſummoning and returning ſuch Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, or for more Money than ſhall have been offered to be accepted or taken, as the Purchaſe Money for any ſuch old Road as aforeſaid, then, and in every ſuch Caſe, the Coſts and Charges of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the Truſtees ſhall have ſuch Controverſy or Diſpute.

Purchaſe Money belonging to Corporations, &c. to be laid out in Purchaſe of other Eſtates.

And be it further Enacted, That the Money or Recompence to be paid for any Lands or Hereditaments which ſhall be taken or uſed for the Purpoſes aforeſaid, belonging to any Corporation, Femes Covert, Infants, Lunatics, or Perſons under any other Diſability or Incapacity, ſhall be paid to ſuch Perſon or Perſons as ſuch Corporation, or the Huſbands, Feoffees, Guardians, Truſtees, or Committees, of ſuch Femes Covert, Infants, Lunatics, or Perſons under any other Diſability or Incapacity, ſhall reſpectively nominate and appoint to receive the ſame, in Truſt, with all convenient Speed to be reinveſted in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled upon and ſubject to the like Uſes, Truſts, and Limitations, as the Lands or Hereditaments belonging to ſuch Corporation, or other Perſons as aforeſaid, which ſhall be purchaſed or taken for the Purpoſes of this Act, were ſettled, limited, or aſſured, and in the mean Time, and until ſuch Purchaſe can be made, ſuch Money ſhall be placed in the public Funds, in the Name or Names of ſuch Corporation, Huſbands, Feoffees, Guardians, Truſtees, or Committees, and the Intereſt or Dividends thereof ſhall go and be applied to or for the

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Use of the respective Persons who would be entitled to the Rents and Profits of the Lands or Hereditaments so to be purchased with such Money, in case the same were actually purchased and settled.

And be it further Enacted, That the said Trustees shall and may cause to be erected such Turnpikes upon or across the Roads to be made, amended, widened, and repaired by virtue of this Act, or either of them, and on or near the Sides thereof, across any Lanes or Ways leading or that may hereafter lead out of the same, as they shall think proper, and a Toll House to every such Turnpike, and shall and may, in like Manner as aforesaid, purchase or take Land sufficient for such Toll Houses, with necessary Accommodations thereto, and shall and may cause to be demanded, received, and taken, at all such Turnpikes, the Tolls following, before any Carriage, or any Beast or Cattle, shall be permitted to pass through the same; (that is to say):

Trustees impowered to erect Turnpikes and Toll Houses,

and receive Tolls.

Tolls.

For every Coach, Berlin, Chariot, Phaeton, Calash, Curricle, Vis-a-vis, Chaise, Diligence, Caravan, Chair, Hearse, or Litter, drawn by Four or more Horses, Mares, or Geldings, the Sum of One Shilling; and drawn by Three or Two Horses, Mares, or Geldings, the Sum of Six Pence:

For every Calash, Chaise, or Chair, drawn by One Horse, Mare, or Gelding, the Sum of Three Pence:

For every Waggon, Wain, Cart, or other such like Carriage, drawn by Five or more Horses, Mares, Geldings, or other Beasts, the Sum of One Shilling; and drawn by Four Horses, Mares, Geldings, or other Beasts, the Sum of Six Pence; and drawn by Three or Two Horses, Mares, Geldings, or other Beasts, the Sum of Four Pence; and drawn by One Horse, Mare, Gelding, or other Beast, the Sum of Three Pence:

For every Horse, Mare, Gelding, or Mule, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence *per* Score; and so in Proportion for any greater or less Number: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence *per* Score; and so in Proportion for any greater or less Number.

Provided always, That every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Four Inches or more, and drawn by not more than Three Horses, or other

Carriages with Broad Wheels to pay only Half Tolls.

other Beaſts of Draught, and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches or more, and drawn by not more than Four Horſes, or other Beaſts of Draught, and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches or more (provided that ſuch Fellies reſpectively, and the Tires thereon, ſhall lie ſo flat as not to deviate more than One Inch from a flat Surface) ſhall at any of the ſaid Turnpikes be ſubject to or chargeable with One Half only of the Tolls hereinbefore made payable for or in reſpect of ſuch like Carriages reſpectively not having Wheels of the reſpective Breadths aforeſaid.

Tolls veſted in the Truſtees.

And be it further Enacted, That the ſaid reſpective Tolls ſhall be, and are hereby veſted in the ſaid Truſtees, and a Table thereof ſhall be put up and continued at each of the ſaid Turnpikes, and it ſhall be lawful for the reſpective Perſons who ſhall by virtue of this Act be appointed Collectors of the ſaid Tolls, to demand, collect, and receive the Tolls hereby granted; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made by any Collector to be appointed as aforeſaid, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for ſuch Collector to ſeize and diſtrain any Carriage, or any Horſe or Horſes, or other Cattle chargeable with the ſaid Tolls, or any other of the Goods and Chattels of the Perſon or Perſons ſubject to the Payment of the ſaid Tolls, and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within Four Days next after ſuch Seizure and Diſtreſs made, the Perſon ſo ſeizing and diſtraining ſhall and may ſell the Goods and Chattels ſo diſtrained and taken, at the Turnpike Houſe where the ſaid Tolls ought to have been paid, returning the Overplus (if any) upon Demand, to the Owner or Owners thereof, after ſuch Tolls, and all reaſonable Charges for diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

Turnpikes, &c. veſted in the Truſtees.

And be it further Enacted, That the Right and Property of all the Turnpikes and Toll Houſes to be erected by virtue of this Act and of all Materials already laid upon the Road to be amended and widened as aforeſaid, for the repairing thereof, and alſo of all other Materials which ſhall be provided for making and repairing the ſaid Roads, by virtue of this Act, ſhall be veſted in the ſaid Truſtees, and they are hereby impowered to cauſe any Actions to be brought, and any Bills of Indictment to be preferred againſt any

any Perſon or Perſons who ſhall ſteal, break down, take away, injure, or ſpoil any ſuch Turnpikes or Toll Houſes, or any ſuch Materials as aforeſaid.

Provided always, That no Turnpike to be erected by virtue of this Act ſhall be taken down or removed, or any new Turnpike be erected or ſet up, in, acroſs, or on or near the Side of any Part of the ſaid Roads by virtue of this Act, except by Order of the ſaid Truſtees, at a Meeting for that Purpoſe to be appointed, whereof Ten Days Notice ſhall be given in the Newspapers or News-paper as aforeſaid.

No Turnpike to be taken down, or new one erected, unleſs directed at a Meeting to be held for the Purpoſe.

Provided alſo, That no Perſon who ſhall have paid the Toll hereby granted at any One Turnpike to be erected by virtue of this Act, for or in reſpect of any Carriage, Horſe, Beaſt, or Cattle, ſhall upon the ſame Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) be ſubject or liable to the Payment of any further Toll for the paſſing or re-paſſing of the ſame Carriage, Horſe, Beaſt, or Cattle, any Time or Times through the ſame, or any other of the Turnpikes which may be ſo erected; and that no Perſon ſhall be ſubject or liable to the Payment of any Toll at any of the ſaid Turnpikes, for or in reſpect of any Poſt Chaiſe or Poſt Coach returning empty through any ſuch Turnpike, within Twelve Hours next after the Toll ſhall have been paid for the ſame Poſt Chaiſe or Poſt Coach, upon paſſing through the ſame Turnpike; the reſpective Perſons having paid the Toll producing Tickets denoting ſuch Payment, which Tickets the Collectors of the Tolls at every ſuch Turnpike are hereby required to give, *gratis*, upon the Receipt of the Toll.

Tolls to be paid but Once a Day.

No Toll to be taken for a Poſt Chaiſe or Poſt Coach returning empty within Twelve Houre.

And, for preventing the evading the Payment of the ſaid Tolls, **Be it further Enacted,** That if any Perſon ſhall give, offer, or diſpoſe of to, or receive from, any other Perſon, any ſuch Ticket as aforeſaid, or ſhall counterfeit, or knowingly make uſe of any counterfeited Ticket, in order to avoid Payment of the ſaid Tolls, or if any Perſon or Perſons owning, renting, or occupying, any Lands adjoining to the ſaid new-intended Road, or near unto any Turnpike to be erected in purſuance of this Act, ſhall permit or ſuffer any Perſon to paſs through or over any Part of his or their ſaid Lands, with any Carriage, Horſe, or other Beaſt or Cattle, whereby the Payment of any of the ſaid Tolls ſhall be avoided, or if any Perſon or Perſons ſhall drive any Carriage, or ride or drive any Horſe, or other Beaſt or Cattle, through or over any

Penalty on evading the Tolls.

Way or Paſſage (not being a public Way or Paſſage) or through or over any Lands adjoining to the ſaid new-intended Road, or near to any of the ſaid Turnpikes, or ſhall take off, or cauſe to be taken off, any Horſe or other Beaſt from any Carriage, whereby the Payment of the Tolls by this Act made payable, or any Part thereof, is or ſhall be avoided, every Perſon offending in any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay the Sum of Twenty Shillings, One Moiety whereof ſhall go to the Informer.

General Exemptions.

Provided always, and be it further Enacted, That all Carriages and Horſes carrying or conveying any Perſon or Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Kent*, ſhall be permitted to paſs and repaſs through all or any of the ſaid Turnpikes Toll-free, on the Day or Days of Election, and the Day before and Day after ſuch Election ſhall begin or be concluded; and that no Perſon ſhall be charged with any of the Tolls aforeſaid, who ſhall paſs through any of the Turnpikes to be erected by virtue of this Act with any Waggon, or other Carriage, employed in carrying any Stones, Gravel, or other Materials for repairing of Roads, or in carrying any Dung, Mould, or Compoſt, of what Nature or Kind ſoever, for manuring of Lands or Gardens, or with any Waggons or other Carriages, or Horſes, employed in carrying any Sort of Hay (except Hay for Sale) undried Hops, old Hop-poles, not intended to be uſed in the Hop Plantations again, Green Clover for ſoiling of Cattle, or Corn in the Straw, to be laid up in Houſes, Outhouſes, Barns, or Stables, or in carrying or conveying any Ploughs, Harrows, or other Implements of Huſbandry, or any other Things whatſoever employed in Huſbandry, or manuring or ſtocking of Land; and that no Perſon ſhall be charged with any of the ſaid Tolls for Horſes or Cattle going to or returning from Paſture or Watering Places; or for any Coaches or other Carriages, or any Horſes carrying, or conveying the Mail or Packet; or for any Horſes belonging to Officers or Soldiers upon their March, or upon Duty, or for any Horſes, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying or conveying any ſick, wounded, or diſabled Officers or Soldiers; or for any Horſes, Waggons, or Carts, travelling with Vagrants ſent by legal Paſſes; and that no Farmer, Occupier of Land, or Farmer's Servant, reſiding in the Pariſhes of *Patrixborne*, *Bridge*, *Biſhopſtorne*, *Kingſton*, and *Barham*, or either of them, through which the ſaid Roads do lead, ſhall be charged with

Exemptions of the Five Pariſhes.

with any of the Tolls aforeſaid, for the paſſing through any of the ſaid Turnpikes of any Waggon, Wain, Cart, or other Carriage uſually employed in Huſbandry or Agriculture only, and not uſed, or intended to be uſed, by any Perſon or Perſons for riding in or upon, or for the paſſing through any of the ſaid Turnpikes of any Oxen, Cows, or Neat Cattle, Calves, Hogs, Sheep, or Lambs, being the Property of any ſuch Farmer or Occupier of Land.

Provided nevertheleſs, That if any Perſon ſhall take the Benefit of any of the aforeſaid Exemptions in any fraudulent or colluſive Manner whatſoever, every ſuch Perſon ſhall forfeit and pay, for every ſuch Offence, the Sum of Forty Shillings, One Moiety whereof ſhall go to the Informer.

Penalty on taking Benefit of Exemptions fraudulently.

And, for the more ſpeedy raiſing of Money for the Purpoſes of this Act, **Be it further Enacted,** That the ſaid Truſtees ſhall and may, and they are hereby impowered from Time to Time to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall judge neceſſary for the Purpoſes of this Act, and by Writing under the Hands and Seals of any Five or more of the ſaid Truſtees, to aſſign over or mortgage the Tolls hereby granted, or any Part thereof, and the Turnpikes and Toll Houſes to be erected by virtue of this Act (the Charges of ſuch Aſſignments or Mortgages to be paid out of the ſaid Tolls) for any Term during the Continuance of this Act, as a Security for the Re-payment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and lend ſuch Money, his, her, and their Executors, Adminiſtrators, and Aſſigns; ſuch Intereſt to be paid and payable by equal Quarterly Payments, at the Dwelling Houſe of the Treaſurer to the ſaid Truſtees for the Time being; all which Mortgages or Aſſignments ſhall be in the Words, or to the Effect following;

Truſtees may borrow Money.

" By virtue of an Act of Parliament made in the Thirty-
" firſt Year of the Reign of King *George* the Third, in-
" tituled [*ſet forth the Title of the Act*] We whoſe
" Names are hereunto ſubſcribed, and Seals affixed, being
" Truſtees acting in Execution of the ſaid Act, in Con-
" ſideration of the Sum of
" to the Treaſurer of the Roads comprized in the ſaid
" Act in Hand paid, by *A. B.* do hereby grant, bargain,
" ſell, and demiſe, unto the ſaid *A. B.* his Executors,
" Adminiſtrators,

Form of the Mortgage.

" Adminiſtrators, and Aſſigns, ſuch Proportion of the " Tolls ariſing by virtue of the ſaid Act, and alſo of the " Turnpikes and Toll Houſes for collecting the ſame, as " the ſaid Sum of doth " or ſhall bear to the whole Sum advanced or to be ad- " vanced on the Credit of the ſaid Act, to be had and " holden from this Day of " in the Year of our Lord " for and during the Continuance of the ſaid Act, " unleſs the ſaid Sum of " with Intereſt thereof, after the Rate of " *per Centum per Annum*, ſhall be ſooner repaid and " ſatisfied. Given under our Hands and Seals, this " Day of in the Year of " our Lord

Copies of the Mortgages to be entered.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book to be kept for that Purpoſe, by the Clerk to the ſaid Truſtees; but no Money (except the Sums already ſubſcribed for towards making and repairing the ſaid Roads) ſhall be borrowed by the ſaid Truſtees on the Credit of the ſaid Act, unleſs Notice for that Purpoſe ſhall be given in the News-papers or News-paper as aforeſaid, at leaſt Ten Days before the borrowing of ſuch Money; and all Mortgages or Aſſignments, which ſhall be made in the Manner and Form aforeſaid, ſhall be good, valid, and effectual, to all Intents and Purpoſes; and all Perſons to whom any ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, ſhall and may, from Time to Time, aſſign and transfer the ſame Security or Securities, and all Benefit and Advantage thereof, and all their Right, Title, and Intereſt to the Principal and Intereſt Money thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by Writing under their Hands and Seals, in the Words, or to the Effect following:

Transfer of Mortgages.

" I *A. B.* being entitled to the Sum of
" ſecured to Executors, Adminiſtra-
" tors, and Aſſigns, by virtue of a Mortgage or Aſſign-
" ment bearing Date the Day of
" under the Hands and Seals of of the Truſtees
" acting in Execution of a certain Act of Parliament
" made in the Thirty-firſt Year of the Reign of King
" *George* the Third, intituled [*ſet forth the Title of the*
" *Act*]

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" *Act*] upon the Credit of the ſaid Act, do hereby " transfer all my Right and Title in and to the ſame, " and all the Principal and Intereſt Money now due " and owing thereon, unto *C. D.* his Executors, Admini- " ſtrators, and Aſſigns. Dated this Day of " in the Year of our Lord

Notice of Transfers to be given to the Clerk in Three Months.

And every ſuch Transfer ſhall be produced and notified to the Clerk to the ſaid Truſtees within Three Months next after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the ſaid Book to be kept for entering the ſaid original Mortgages or Aſſignments, and for which the ſaid Clerk ſhall be paid One Shilling, and no more; and after ſuch Entry made, every ſuch Transfer ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon, and it ſhall not be in the Power of any Perſon or Perſons making ſuch Transfer to make void, releaſe, or diſcharge the ſame, or the Monies thereby due, or any Part thereof; and all Perſons to whom ſuch Mortgages, Aſſignments, or Transfers ſhall be made as aforeſaid, ſhall be, in Proportion to the Sums therein reſpectively mentioned, Creditors on ſuch Tolls, Turnpikes, and Toll Houſes, in equal Degree One with another, and ſhall have no Preference in reſpect of the Priority of advancing any ſuch Monies, or the Dates of ſuch Mortgages or Aſſignments.

Application of the Money.

And be it further Enacted, That out of the firſt Money ariſing by the Tolls to be collected by virtue of this Act, or out of the firſt Money to be borrowed upon the Credit thereof, the ſaid Truſtees ſhall, in the firſt Place, pay and diſcharge the Charges and Expences of obtaining and paſſing this Act; and in the next Place ſhall pay the Purchaſe or Conſideration Money for the ſeveral Lands and other Hereditaments to be purchaſed, taken, or uſed by virtue of this Act, and for ſurveying and planning the ſaid Roads, and other reaſonable Expences relating thereunto, and for erecting ſuch Turnpikes and Toll Houſes as aforeſaid; and after ſuch ſeveral Payments ſhall be made as aforeſaid, the Money ariſing by the ſaid Tolls, and the Monies to be borrowed upon the Credit of this Act, and alſo all other Money which ſhall come to the Hands of the ſaid Truſtees, or their Treaſurer, by virtue or for the Purpoſes of this Act, ſhall be applied for and towards the making, ſupporting, and maintaining of the ſaid

new-intended Road, and in amending, widening, and repairing the preſent Road hereby directed or intended to be amended, widened, and repaired, and in paying the Intereſt of the Principal Money which ſhall have been borrowed by virtue of this Act, and in paying off ſuch Principal Money, and in defraying the other neceſſary Expences of carrying this Act into Execution, and to or for no other Uſe or Purpoſe whatſoever.

Tolls may be let.

And be it further Enacted, That the ſaid Truſtees may, and are hereby impowered, at any Meeting, upon Ten Days Notice being given as aforeſaid, to let or farm the Tolls by this Act granted, or any Part or Parts thereof, to any Perſon or Perſons at and for the largeſt Yearly Sum they can reaſonably get for the ſame, provided the Leaſes, Contracts, or Agreements of or for the ſame be in Writing, and ſigned by the Perſon or Perſons taking or farming ſuch Tolls, and alſo by Five or more of the ſaid Truſtees; but the ſame ſhall not be let for more than Three Years at any One Time, and the Rent which ſhall be agreed to be paid for the ſaid Tolls ſhall be made payable and ſhall be paid to the Treaſurer to the ſaid Truſtees, ſo as that One Quarter's Payment of ſuch Rent ſhall always be made in Advance, or in Default thereof ſuch Leaſe, Contract, or Agreement ſhall be void.

Power to get Materials.

And be it further Enacted, That the Surveyor or Surveyors to the ſaid Truſtees, or ſuch other Perſon or Perſons as they, or as ſuch Surveyor or Surveyors, ſhall employ or appoint, having an Order in Writing under the Hands of any Five or more of the ſaid Truſtees for that Purpoſe, may, and is and are hereby authorized and impowered to ſearch for, dig, cut, gather, take, and carry away, any Stone, Gravel, Sand, or other Materials, fit and proper for the Purpoſes of this Act, out of and from any Commons and Waſte Grounds, without paying any Thing for the ſame, and alſo out of, and from and over the private Lands of any Perſon or Perſons (not being a Yard, Garden Orchard, or Nurſery for Trees) where the ſame may or are likely to be found, ſuch Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits, and levelling the Ground, or ſloping down the Banks where or from whence ſuch Materials ſhall be had or taken, or railing or fencing off ſuch Pits, ſo that the ſame may not remain in a dangerous State, and the ſaid Surveyor or Surveyors, or other Perſon or Perſons aforeſaid, paying or tendering to the Owners and Occupiers of ſuch private Lands, for the ſame, and for the Damage done to ſuch Lands over which any Materials gotten as aforeſaid ſhall be conveyed,

conveyed, ſuch Equivalent in Money as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference touching the ſame, any Two Juſtices of the Peace for the ſaid County of *Kent*, or City and County of *Canterbury*, ſhall in a ſummary Way hear, ſettle, and determine the Recompence to be made for ſuch Materials and Damage, and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Surveyors may remove Annoyances.

And be it further Enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint, by Direction of the ſaid Truſtees, or any Five or more of them, under their Hands, from Time to Time to remove and prevent all Annoyances on any Parts of the ſaid Roads, by Rails, Steps, Sign Poſts, and other Poſts, and alſo by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe; and to turn any Watercourſes, Sinks, or Drains, running into, along, or out of the ſaid Roads, to the Prejudice thereof; and to cleanſe any Ditch or Watercourſe next adjoining to the ſaid Roads; and to cut down, lop, or top any Trees or Buſhes growing in the ſaid Roads, or in the Hedges or Banks adjacent thereto, in caſe the Perſon or Perſons occaſioning ſuch Annoyance, or who ought to remove the ſame, or to cleanſe ſuch Ditch or Watercourſe, or to cut down, lop, or top ſuch Trees or Buſhes, ſhall refuſe or neglect ſo to do for the Space of Ten Days next after Notice in Writing given for that Purpoſe, under the Hand or Hands of the ſaid Truſtees, or any Five or more of them, or of their Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by the Perſon or Perſons refuſing or neglecting as aforeſaid; and in caſe any ſuch Perſon ſhall not upon Demand pay and reimburſe to ſuch Surveyor or Surveyors ſuch Charges as aforeſaid, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, in like Manner as hereinafter authorized or directed for the Recovery of any Penalty; and if, after the Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Kind, every ſuch Perſon ſhall for every ſuch Offence, over and above ſuch Charges as aforeſaid, forfeit and pay the Sum of Twenty Shillings, One Moiety whereof ſhall go to the Informer.

Surveyors may make Cauſeways, &c.

And be it further Enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, by Order of the ſaid Truſtees, to cut and make Drains and Ditches, or Trenches, through any Grounds lying contiguous to the ſaid Roads, in ſuch Manner as ſuch Surveyor or Surveyors,

veyors, by Order of the ſaid Truſtees, ſhall judge neceſſary for the better amending and keeping the Roads aforeſaid in good Repair, and to make and erect any Arches or Bridges upon the ſaid Roads; and alſo to make a Way or Ways through the Lands adjoining to any narrow or ruinous Part or Parts of the ſaid Road hereby intended to be widened or amended, to be made uſe of as a public Highway, whilſt the narrow or ruinous Parts of the ſaid Road are widening or repairing, and until the ſame ſhall be convenient and ſafe for the Paſſage of Travellers and Carriages, making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Lands reſpectively through which any ſuch Drain ſhall be cut, or on or over which any ſuch temporary Road ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged by the ſaid Truſtees; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and the ſaid Truſtees, touching ſuch Damage, then the Juſtices of the Peace, at the Firſt General or Quarter Seſſions to be holden for the Eaſtern Parts of the County of *Kent*, or for the City and County of *Canterbury* (wherein ſuch Lands ſhall lie) next after the Expiration of Twenty Days from the Time of doing ſuch Damage, ſhall, and are hereby authorized and required, to hear, ſettle, and determine the ſame, and their Determination therein ſhall be final.

making reaſonable Satisfaction.

In caſe of any Difference, the Juſtices of the Peace in Seſſions to determine the ſame.

To prevent Annoyances.

And be it further Enacted, That for better preventing Annoyances on the ſaid Roads, all Gates upon Incloſures next to any of the ſaid Roads ſhall open inwards to the Field, and if any Perſon ſhall ride any Horſe, or drive any Carriage, upon any of the Foot Paths upon the Sides of the ſaid Roads, or ſhall in any Way wilfully injure the ſame, or turn any Stream or Water on any Part of the ſaid Roads, or lay any Horſe or dead Carrion upon any Part of the ſaid Roads, or within Twenty Yards of the Sides thereof, or any Dung, Lime, Soil, or Compoſt, either for manuring of Land, or for any other Purpoſe, or any Timber Trees, Wood, Buſhes, Hop Poles, or other Annoyance whatſoever, upon any Part of the ſaid Roads, or within Five Yards thereof (unleſs within a Fence) or ſhall ſet, leave, or place any Carriage, either with or without Horſes, ſo as anyways to obſtruct the free Paſſage on any Part of the ſaid Roads, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer.

No Buildings to be erected or re-built

And, for the better widening the narrow Parts of the ſaid Roads, **Be it further Enacted**, That no Houſe, Wall, or other Building,

Building, ſhall hereafter be erected, built, or re-built within Six Yards of the Center of any Part of the ſaid Roads.

within Six Yards of the Center of the Roads.

And be it further Enacted, That the ſaid Truſtees ſhall cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be erected upon or near the Sides thereof, at the Diſtance of One Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from any other Place or Places, as the ſaid Truſtees ſhall think fit, and alſo cauſe to be erected Guide Poſts upon ſuch Parts of the ſaid Roads where the ſame are croſſed or joined by other Roads, as they ſhall judge proper, and if any Perſon ſhall wilfully break, throw down, injure, deſtroy, obliterate, or deface, any of the ſaid Stones or Poſts, or any of the Letters, Figures, or Marks, which ſhall be inſcribed thereon, or wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches on the ſaid Roads, every ſuch Perſon ſhall forfeit and pay the Sum of Forty Shillings for each Stone, Poſt, or Parapet Wall, ſo broken, thrown down, injured, or deſtroyed, or on which any Letters, Figures, or Marks, ſhall be ſo obliterated or defaced, One Moiety whereof ſhall go to the Informer.

Roads to be meaſured, and Mile Stones and Guide Poſts erected.

Penalty on damaging them.

Provided always, and be it further Enacted, That all Perſons who by Law are liable to do Statute Work, or chargeable towards repairing and amending the Road hereby directed to be widened and repaired, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and that it ſhall be lawful for any Two or more of the Juſtices of the Peace for the County of *Kent*, and they are hereby required and impowered, upon Application made to them by the ſaid Truſtees, Yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road doth lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in Lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him or them paid to the ſaid Truſtees, or their Treaſurer, and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Writing before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, within Ten Days after the ſerving of ſuch Summons, the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the

Perſons chargeable to Statute Work to continue ſo.

Juſtices to determine Differences touching Statute Work.

Payment of any Money in Lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be ſo paid; out of which Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay Time or Harveſt) and in ſuch Parts of the ſaid Road as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint, and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in Lieu of, or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees, or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct, and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and all Perſons who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for them at their uſual Place of Abode, for that Purpoſe, by any Surveyor to the ſaid Truſtees, ſhall forfeit and pay the reſpective Sums hereinafter mentioned (that is to ſay) every Perſon who ſhall keep, or be deemed by Law to keep, a Team or Teams, Draught or Draughts, for every Day's Default the Sum of Ten Shillings for each Team or Draught, and every Houſeholder, and Perſon liable to do Statute Work as a Labourer, for every Day's Default, the Sum of One Shilling and Six Pence, and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on the ſaid Road, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe

fuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor, ſo offending, ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds.

Trustees may compound for Statute Work.

Provided always, That it ſhall be lawful for the ſaid Truſtees from Time to Time to compound and agree with the Inhabitants of any of the Pariſhes or Places in which the ſaid Road doth lie, and with any of the Poſſeſſors or Occupiers of Lands, Tenements, or Hereditaments, or ſuch other Perſons as are or ſhall be liable or chargeable towards repairing any Part of the ſaid Road, for a certain Sum of Money, or otherwiſe, by the Year, as the ſaid Truſtees ſhall think reaſonable, in Lieu of the Statute or other Work to be done by the Inhabitants of ſuch Pariſhes or Places, or by ſuch Poſſeſſors or Occupiers of ſuch Lands, Tenements, or Hereditaments, or other Perſons chargeable as aforeſaid, which Compoſition Money ſhall always be paid in Advance to the Treaſurer to the ſaid Truſtees.

Certain Pariſhes exempted from doing Statute Work on the new Road.

Provided nevertheleſs, That nothing herein contained ſhall extend to charge the ſaid Pariſhes of *Saint George the Martyr* and *Saint Paul*, in the City of *Canterbury*, or either of them, or the ſaid Borough of *Longport*, or the Inhabitants of the ſaid reſpective Pariſhes and Borough, with, or to make them liable to do, any Statute or other Work on the ſaid new-intended Road from *Saint George's Gate* to *Gutteridge Bottom* aforeſaid, or to exempt or diſcharge them from the Maintenance and Repair of the preſent Road from *Saint George's Gate* to *Gutteridge Bottom* aforeſaid.

Recovery and Application of Penalties.

And be it further Enacted, That all Penalties and Forfeitures by virtue of this Act impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County of *Kent*, or City and County of *Canterbury*, where the Offence ſhall happen (which Warrant ſuch Juſtice is hereby impowered to grant, upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath) and the Overplus (if any) of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned, upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making the Diſtreſs and Sale, and the Penalties and Forfeitures, when recovered, (if not hereinbefore directed

rected to be otherwiſe applied,) ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender to be committed to the Common Gaol or Houſe of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor leſs than Fourteen Days, unleſs ſuch Penalties and Forfeitures ſhall be ſooner fully paid and ſatisfied.

Power to compel Payment of Subſcriptions.

And be it further Enacted, That all Perſons who have ſubſcribed to pay any Money towards making and repairing the ſaid Roads, ſhall, and are hereby reſpectively required to pay their Subſcription Money to the Treaſurer to the ſaid Truſtees, at ſuch Time or Times as ſhall be appointed by the ſaid Truſtees, and if any ſuch Subſcriber ſhall neglect or refuſe to pay ſuch Money as aforeſaid, it ſhall be lawful for the ſaid Truſtees to ſue for and recover the ſame, by Action at Law, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Actions to be brought in the Name of the Treaſurer or Clerk.

And be it further Enacted, That whenever any Action ſhall be brought, by the Order of the ſaid Truſtees, againſt any Perſon or Perſons, by virtue or in purſuance of this Act, the ſame may be brought in the Name of their Treaſurer or Clerk on Behalf of the ſaid Truſtees, and no ſuch Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name the ſame ſhall be brought; but no ſuch Treaſurer or Clerk ſhall be ſubject to the Payment of any Coſts or Expences on Account thereof, but all ſuch Coſts and Expences ſhall be defrayed out of the Money ariſing by virtue of this Act.

Treaſurer or Clerk not liable to the Payment of Coſts.

Appeal.

Provided always, and be it further Enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the Firſt General or Quarter Seſſions of the Peace to be holden for the Eaſtern Parts of the County of *Kent*, or for the City and County of *Canterbury* (within which the Matter of Appeal ſhall ariſe) next after the Expiration of One Calendar Month from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons appealing having firſt given Ten Days Notice at leaſt of his, her, or

their Intention to bring ſuch Appeal, and of the Matter thereof, to the Treaſurer or Clerk to the ſaid Truſtees; and the Juſtices in ſuch Seſſions are hereby authorized and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination therein as they ſhall judge proper, and ſuch Determination ſhall be final, binding, and concluſive to all Parties, to all Intents and Purpoſes whatſoever.

Diſtreſs not to be unlawful for Want of Form.

And be it further Enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

Plaintiff not to recover after Tender of Amends.

Provided always, That no Plaintiff or Plaintiffs ſhall recover in any ſuch Action for ſuch Irregularity, or for any Treſpaſs or other wrong Proceeding, unleſs Notice in Writing ſhall be given, Twenty-one Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in ſuch Action, if Tender of ſufficient Amends hath been made to him, her, or them, or his, her, their Attorney, by or on the Behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court, after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgment ſhall be made and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be quaſhed for Want of Form.

And be it further Enacted, That no Order, Verdict, Aſſeſſment, Judgment, or other Proceedings made touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for Want of Form only, or be re-

or removeable by *Certiorari.*

moved or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary hereof in anywiſe notwithſtanding.

Limitation of Actions.

Provided always, and be it further Enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, until Twenty-one Days Notice thereof be given to the Treaſurer or Clerk to the ſaid Truſtees, or after Six Calendar Months next after the Fact committed, and every ſuch Action or Suit ſhall be brought and tried in the County of *Kent*, and not elſewhere, and the Defendant or Defendants in every ſuch Action or Suit ſhall or may, at his or their Election, plead ſpecially, or the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if ſuch Action or Suit ſhall be brought before Twenty-one Days Notice ſhall have been given, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Commencement and Continuance of the Act.

And be it further Enacted, That this Act ſhall commence and take Place upon the Firſt *Monday* next after the Day of the paſſing of this Act, and ſhall be in force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament; and

Public Act.

that this Act ſhall be deemed, adjudged, and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without being ſpecially pleaded.

AN

ACT

FOR

Making a new Road from *Saint George's Gate*, in the City of *Canterbury*, to a Place called *Gutteridge Bottom*; and for Repairing and Widening the preſent Road from thence to the *Dover* Turnpike Road, in the Pariſh of *Barham*, in the County of *Kent*.

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31 *Geo.* III.
1790.